

REMARKS

STATUS OF THE CLAIMS

Claims 1-32 and 34-42 are pending in the application. Applicants note that claim 33 was canceled in the preliminary amendment submitted on June 6, 2003.

ELECTION/RESTRICTION

In the Office Action, the Examiner restricted the claims under 35 U.S.C. § 121, requiring Applicants to elect one of the following claim groups for prosecution in the present application:

- I. Claims 1-20, 23, 25 and 26, ...drawn to an artificial tissue comprising a support matrix, microvascular endothelial cells from a first animal, and connective tissue from a second animal....
- II. Claims 21 and 22, ...drawn to a method of making an artificial tissue comprising mixing a support matrix and connective tissue cells to form two layers of support matrix with a layer of endothelial cells in between two layers....
- III. Claim 24, ...drawn to a method for studying a biological process by administering a test compound to the artificial tissue and measuring the effect of said test compound....
- IV. Claims 27-33, ...drawn to a method of screening for an agent that inhibits angiogenesis by contacting the agent with a biological culture and determining the phosphorylation of adhesion polypeptide VE-Cadherin or PE-CAM in the biological culture....
- V. Claim 34, ...drawn to a method of prescreening for an agent that inhibits angiogenesis by contacting said agent with a biological culture and determining the binding of said agent to VE-Cadherin or PE-CAM....
- VI. Claims 35-41, ...drawn to a method of screening an agent that inhibits angiogenesis by contacting the agent with a biological culture and determining the phosphorylation of MMP-9....

VII. Claim 42, ...drawn to a method of prescreening for an agent that inhibits angiogenesis by contacting said agent with a biological culture and determining the binding of said agent to the biological culture....

Office Action, at pages 2-3.

In response, Applicants elect Claim Group I (claims 1-20, 23, 25 and 26) with traverse. The restriction requirement is traversed because restriction between Groups I and II is neither necessary nor proper. According to the MPEP, there are two criteria for a proper restriction requirement: (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required (MPEP § 803).

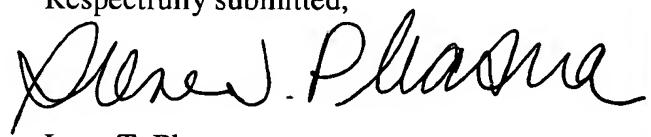
Applicants note that the restriction between Groups I and II is improper. Applicants submit that examination of Groups I and II together entails no substantial burden. Rather, a search for prior art pertaining to artificial tissue comprising a support matrix, microvascular endothelial cells from a first animal, and connective tissue from a second animal, is expected to identify any art, if it exists, relevant to any or all of the claims encompassed by the identified Groups I and II. Furthermore, the Examiner has placed the claim directed to an artificial tissue, which is made by the methods of claims in Group II, into Group I. This also supports the theory that a search for any art pertaining to artificial tissue is relevant to any or all of the claims encompassed by Groups I and II. Examination of these two Groups together entails no serious burden and the restriction between these Groups should be withdrawn. Accordingly, Applicants respectfully request that the restricted groups I and II be re-joined and co-examined.

In the event that Group II is re-joined with Group I as urged, Applicants elect the resulting combined group. In the event that the requirement is maintained, Applicants hereby elect Claim Group I (claims 1-20, 23, 25 and 26) with traverse. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3509.

Appl. No. 10/012,194
Response Dated September 26, 2003
Reply to Office action of August 26, 2003

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Respectfully submitted,



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Attachments:

- 1) A transmittal sheet; and,
- 2) A receipt indication postcard.

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